

The House Committee on Motor Vehicles offers the following substitute to HB 17:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide that persons entering into motor vehicle leases which contain a requirement that the person shall maintain certain levels of insurance coverage on such vehicle during the lease shall receive notice of such requirements prior to executing the lease documents; to provide a definition; to provide for acknowledgment of such notice by the lessee; to provide for consequences of failing to provide such notice; to provide for the language of such notice; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by adding a new Article 2A to read as follows:

"ARTICLE 2A

10-1-45.

(a) As used in this article, the term:

(1) 'Motor vehicle' means any device or vehicle including automobiles, motorcycles, motor trucks, trailers, and all other vehicles operated over the public highways and streets of this state and propelled by power other than muscular power, but does not include traction engines, road rollers, implements of husbandry and other agricultural equipment, and such vehicles as run only upon a track.

(2) 'Motor vehicle lease contract' means an agreement between a lessor and a lessee whereby the lessee obtains the possession and use of a motor vehicle for such period of time, for such purposes, and for such consideration as set forth in the agreement.

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- (b) Prior to executing a motor vehicle lease contract that contains any requirement that the lessee shall maintain certain levels of insurance coverage and deductible limits on such vehicle during the lease term, the lessor shall provide such lessee in the motor vehicle lease contract a notice in substantially the form contained in subsection (d) of this Code section. The lessor shall include in the motor vehicle lease contract adjacent to the insurance or deductible requirements a box for the lessee to check acknowledging that he or she is aware of the requirements. In addition, the motor vehicle sales contract shall include a space for the lessee to initial an acknowledgment that he or she has read the insurance and deductible requirements.
- (c) Failure to provide such notice and to obtain an acknowledgment of such notice from the lessee shall result in any provision of the motor vehicle lease contract concerning insurance coverage and deductible limits being unenforceable by the lessor against the lessee.
- (d) The notice required by this Code section shall be in substantially the following form:

'NOTICE OF REQUIREMENT OF INSURANCE

You are about to enter into a contract for the lease of a motor vehicle which contains a requirement that you maintain certain insurance and deductible limits on such motor vehicle during the term of such lease. Specifically, you will be required to maintain insurance coverage on the motor vehicle which provides, at a minimum, the following coverages and maximum deductible limits:

(Describe the required motor vehicle insurance requirements including minimum coverages and any limits on the amount of the deductibles under such coverages.)

You will have to provide this insurance coverage with the specified deductible limits, if any, and pay the premiums for such coverage. These requirements may be different from the motor vehicle insurance coverage that you presently have or previously had on your motor vehicles and consequently may cost more than your current or previous coverages. You may desire to consult with your insurance agent on what these costs may be prior to executing the motor vehicle lease contract to ensure that you fully understand the costs in leasing the motor vehicle.

☐ I hereby acknowledge receipt of this notice. This _____ day of _____, _____.

_____ I have read and agree to maintain the insurance coverage and deductible limits contained in this motor vehicle lease contract."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.